

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MATTHEW ANDREW GARCES,
Plaintiffs,

v.

SAN ANTONIO POLICE DEPARTMENT,
OFFICER RICARDO CARRERA-
PINEYRO, Badge #1363, OFFICER MARK
AVILA, Badge #3600
Defendants

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Civil Action No.: SA-25-CV-0388-OLG

DEFENDANT SAN ANTONIO POLICE DEPARTMENT, RICARDO CARRERA-PINEYRO AND MARK AVILA’S ADVISORY TO THE COURT

TO THE HONORABLE ORLANDO L. GARCIA:

NOW COME DEFENDANTS the City of San Antonio, Ricardo Carrera-Pineyro and Mark Avila and file this *Advisory to the Court*. Defendants will respectfully show the following:

1. The Court entered an Order on July 23, 2025 directing the parties to submit a Joint Federal Rule of Civil Procedure 26(f) Report and Proposed Scheduling Order by August 11, 2025. **Dkt. #25.** Plaintiff forwarded a proposed Rule 26(f) report and scheduling recommendations on July 25, 2025. Defendants forwarded to Plaintiff their proposal for the Rule 26(f) report and proposed scheduling recommendations on August 5, 2025. **Ex. A.**
2. On August 5, 2025, Plaintiff filed objections to Defendants' proposed Rule 26(f) report and proposed scheduling order. **Dkt. #30.** As part of the objections, Plaintiff requested that Defendants be sanctioned. **Id., p. 4.**
3. Defendants advise the Court that they attempted to a Rule 26(f) report and proposed scheduling order to Plaintiff. In response, Plaintiff has moved that Defendants be sanctioned and has also sought other relief. Defendants assert that Plaintiff's objections are not meritorious.

Defendants advise the Court that Defendants positions regarding the Rule 26(f) report and their proposal for a scheduling order are included in Exhibit A. Should the Court enter a Scheduling Order in this matter, Defendants are amenable to these dates or any dates the Court orders.

WHEREFORE PREMISES CONSIDERED Defendants advise the Court of their positions regarding the FED. R. CIV. P. 26(f) report and proposed scheduling Order.

Respectfully submitted,

FITZPATRICK & KOSANOVICH, P.C.
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/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 11^h day of August 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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| Matthew Andrew Garces 5150 Broadway Street, PMB 476 San Antonio, Texas 78209 drummajormac@gmail.com | <u>/s/</u> MARK KOSANOVICH |
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